

REMARKS

Claims 1-18 are now in this application. Claims 1-12 are rejected. Claims 13-16 are objected to. New claims 17 and 18 are added. Claims 1 and 13 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

Claims 1-12 are rejected as obvious over Bolas et al. (US 5,513,129) in view of Sagawa et al. (US 6,379,244) under 35 U.S.C. §103(a). The applicants herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that a *prima facie* case of obviousness could not be established in rejection of amended claim 1 and the claims depending therefrom. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or

suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

As amended, claim 1 includes a recitation providing a voice input member for inputting voices of a game player in association with a game. The game machine converts these voices input through the voice input member into electrical signal data, which is later used during game play to generate voice reproductions of the game player's voice based on hitting and/or swinging motions of the game player corresponding to the contents of instructions which are detected by a motion detector. It is respectfully submitted that the proffered combination of references fails to provide this claimed combination of features, as noted more fully below.

As is generally true of most ordinary people, when they hear their own recorded voice played back, they have a reaction unique and different from merely hear someone else's voice or music. This is probably due to the mechanism as to how one's own voice can be heard. The sound transmission passage when the speaker hears his/her own voice naturally as compared to that of when the speaker hears his/her voice sound via a voice recording device are different, so while the speaker recognizes the sound of his/her voice, he/she is at the same time usually a bit surprised or sometimes even bit shocked to hear his/her voice played by the voice recording device.

Thus, the generation of the recorded voice of a game player during the progress of the game, when the certain conditions are met, in which the player performs an action according to the motion instructions displayed on the screen, as now claimed, could effectively shock or excite the player in manner different from the playing of a simple generic voice. What the player is hearing during the game when the certain conditions are met is not just any voice sound as described in lines 8 to 12 in column 12 of Sagawa et al. referred to by the Examiner, but rather the player's own voice reproduced. In this regard, applicants submit that the noted disclosure of Sagawa et al. is meant only to refer to a voice (lyrics) part of the song, and not playback of the game player's own distinctive voice previously imputed for subsequent use in association with the game being played.

Bolas is cited by the Examiner to provide the provision of a voice input member that allows an input of a voice of a player (or other person), a feature missing in Sagawa et al. Bolas, however, simply discloses generation of a sound effect according to a situation in a virtual reality domain or a circumstance in a story, there being three basic channels to produce the effective sound. It provides nothing relating to playback of a players voice during game play in response to particular detected motions as claimed.

Moreover, while according to the broadest interpretation, the timing of actions according to the present invention as previously claimed prior to the amendment of claim 1 herein could theoretically encompass the operation timing of

the musical instrument, as disclosed in Sagawa et al., claim 1 is amended to clarify that the reproduced voices of the player are generated from the corresponding electrical signal data based on hitting and/or swinging motions, thereby providing further distinction over the cited combination of references.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1-12 and their allowance are respectfully requested.

Claims 13-16 are objected to as being dependent from a rejected base claim. The Examiner indicates that the claims contain allowable subject matter and would be allowed if put in independent form incorporating the limitations of the base and intervening claims. The claims are amended in accordance with the Examiner's suggestion. Claim 13 is placed in independent form with the remaining objected to claims being dependent therefrom. Reconsideration of the objection and allowance of the claims are respectfully requested.

Claims 17 and 18 are added and are submitted as patentable over the cited art of record. Independent claim 18 recites subject matter directed to “signal generating means for generating a signal based on the motions made by the game player, the sound generating means outputting a sound when the signal generating means generates a signal within a predetermined period with respect to a timing instruction, said signal generating means including an acceleration sensor to output one of said detection signals” which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claim 17 is patentable based on the subject matter cited therein in addition to the subject matter of claim 1 form which it depends.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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